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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,423	08/20/2003	David M. Kwasny	200207936-1	6967
22879	7590	11/28/2005		
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/644,423

Applicant(s)

KWASNY ET AL.

Examiner

Hai C. Pham

Art Unit

2861\*

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-21 and 23-34 is/are rejected.
- 7) ☒ Claim(s) 17 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>06/02/05</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 8-10, 18, 23-29, 31-32, 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morishima (Pub. No. U.S. 2004/0037176) in view of Wen et al. (U.S. 6,019,151).

Morishima discloses a method for writing image data on the label side of the optical disc comprising receiving image data from a host computer to be written along circumferential zones defined on a coloring layer of the label face (paragraph [0137]). Although Morishima teaches controlling the laser beam to run along circumferential zones, e.g., tracks, defined on the coloring layer of the label face to form dots along the circumferential zones so as to draw image (see abstract), Morishima fails to teach formatting the information/image data so that the information is optically written on a least number of tracks on the label face.

Wen et al. discloses a method for writing information on the label face of the optical disc by formatting the information/image data originally formatted in Cartesian coordinates into a layout such that the information/image data curves along the same tracks (Figs. 1A and 11).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the device of Morishima to allow the laser beam to write information/image data to curve along the same tracks as taught by Wen et al. The motivation for doing so would have been to allow higher information content to be written onto the label face of the optical disc as well as to shorten the time for writing.

Morishima further teaches:

- (referring to claim 2) optically writing the information data onto the optically writable label side (e.g., label face) of the optical disc,
- (referring to claims 8-10) optically writing the information data onto the upper optically writable label side of the optical disc (Figs. 4-5),
- (referring to claim 18) selected data being recorded on the optically writable data side opposite to the optically writable label side of the optical disc (Fig. 4).
- (referring to claims 23, 26-29, 31-32) a computer program or a controller to format the information data (a program stored in a machine readable medium and executed by the CPU) (paragraph [0107]),
- (referring to claim 24) a host computing device (Fig. 1),
- (referring to claim 25) display device so that an end user is able to approved formatting of the information (the display device being inherent since the user is able to make a decision with regard to the gradation data (paragraph [0117]),
- (referring to claim 34) a plurality of motor mechanisms that are able to rotate the optical disc (e.g., spindle motor 130) and to move the optical marking mechanism (e.g., stepping motor 140) radially relative to the optical disc (Fig. 1).

3. Claims 3-7 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morishima in view of Wen et al., as applied to claims 1 and 10 above, and further in view of Onodera et al. (Pub. No. U.S. 2001/0040867).

Morishima, as modified by Wen et al., discloses all the basic limitations of the claimed invention except for the information data to be written onto the label side being extracted from data previously written on the optically writable data side, which data including artist/album name, song name, title name, and/or date.

Onodera et al. discloses an information recording apparatus and method for writing information data on the label side of the optical disc, wherein the information data is being extracted from pre-recorded area of the data side, e.g., TOC, UTOC included in the reproduced data) (paragraphs [0052], [0057], [0064]), and wherein the information data includes data such as album titles, names of music pieces, artist names, and date (paragraph [0118]) (Figs. 1, 9).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the pre-recorded data related to the information data embedded in the recording data side in the device of Morishima as taught by Onodera et al. the motivation for doing so would have been to produce accurate visual indicator of the content of the data side on the label face of the optical disc.

4. Claims 15-16, 19-21, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morishima in view of Wen et al., as applied to claims 10, 28 above, and further in view of Pettigrew et al. (Pub. No. U.S. 2004/0141385).

Morishima, as modified by Wen et al., discloses all the basic limitations of the claimed invention including extracting information to be written onto the label face from data received from the host computer, but except for formatting the information to fit within a predetermined curved area.

Pettigrew et al. discloses an optical disc labeling system and method, wherein the received label data of high resolution is formatted according to a pixel resolution to fit into the number of available tracks such that the marking can be performed within the label area of the optical disc (paragraphs [0003], [0039]).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the process of formatting the input label data to fit the label area in the device of Morishima as taught by Pettigrew et al. The motivation for doing so would have been to allow high-resolution label data to fit to any remaining restricted area on the label face.

***Allowable Subject Matter***

5. Claims 17 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-16, 18-21 and 23-34 have been considered but are moot in view of the new grounds of rejection as presented in this Office action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM  
PRIMARY EXAMINER

November 26, 2005